

## Bureau of Prisons, Justice

## § 551.151

staff shall provide the pretrial inmate with the following recreational opportunities:

(1) One hour daily of outside recreation, weather permitting; or

(2) Two hours daily of indoor recreation.

(c) Staff shall make recreation equipment available to the pretrial inmate including, but not limited to, physical exercise equipment, books, table games, and television.

(d) Staff shall provide the pretrial inmate housed in Administrative Detention or Disciplinary Segregation with exercise as provided by the Bureau of Prisons rules on Inmate Discipline. (See 28 CFR part 541, subpart B.)

(e) Provisions of paragraphs (b) and (c) of this section must be carried out unless compelling security or safety reasons dictate otherwise. Institution staff shall document these reasons.

### § 551.116 Discipline.

(a) Staff shall require the pretrial inmate to abide by Bureau of Prisons rules on Inmate Discipline (see 28 CFR part 541, subpart B), subject to the limitations of § 551.106 of this part.

(b) Staff shall advise the court, through the U.S. Marshal, of repeated or serious disruptive behavior by a pretrial inmate.

### § 551.117 Access to legal resources.

(a) The Warden shall provide the opportunity for pretrial inmate-attorney visits on a seven-days-a-week basis.

(b) Staff shall provide pretrial inmates with access to legal materials in the institution.

(c) Staff shall allow the pretrial inmate, upon the inmate's request, to telephone the inmate's attorney as often as resources of the institution allow.

### § 551.118 Property.

(a) A pretrial inmate may retain personal property as authorized for convicted inmates housed in administrative detention units. (See 28 CFR part 541, subpart B.)

(b) Staff may store the pretrial inmate's unauthorized personal property until the individual is released, transferred to another facility, or sentenced and committed to a federal institution.

(c) Staff may supply the pretrial inmate with clothing for court appearances, or the inmate may supply his or her own.

### § 551.119 Release of funds and property of pretrial inmates.

(a) Staff shall establish procedures which allow for the release of funds and personal property to pretrial inmates released during other than normal business hours.

(b) Staff shall ensure that pretrial inmates are informed of existing policy relative to the commissary account and the deposit/release of funds.

### § 551.120 Visiting.

Staff shall allow pretrial inmates to receive visits in accordance with the Bureau's rule and local institution guidelines on visiting. Staff may allow a pretrial inmate special visits to protect the inmate's business interests or to help prepare for trial.

## Subparts K–L [Reserved]

## Subpart M—Victim and/or Witness Notification

SOURCE: 49 FR 18386, Apr. 30, 1984, unless otherwise noted.

### § 551.150 Purpose and scope.

The Bureau of Prisons provides a requesting victim and/or witness of a serious crime with information on the release from a Bureau institution of the inmate convicted of that serious crime.

[64 FR 68265, Dec. 6, 1999]

### § 551.151 Definitions.

(a) For purpose of this rule, *victim* is generally defined as someone who suffers direct or threatened physical, emotional, or financial harm as the result of the commission of a crime. The term “victim” also includes the immediate family of a minor or a homicide victim.

(b) For purpose of this rule, *witness* is defined as someone who has information or evidence concerning a crime, and provides information regarding this knowledge to a law enforcement agency. Where the witness is a minor,

## § 551.152

## 28 CFR Ch. V (7–1–13 Edition)

the term “witness” includes an appropriate family member. The term “witness” does not include defense witnesses or those individuals involved in the crime as a perpetrator or accomplice.

(c) For purpose of this rule, *serious crime* is defined as a criminal offense that involves personal violence, attempted or threatened personal violence or significant property loss.

(d) For purpose of this rule, the phrase *release from a Bureau institution* refers to an inmate’s furlough, parole (including appearance before the Parole Commission), transfer to a State or local detention facility, transfer to a community corrections center, mandatory release, expiration of sentence, escape (including apprehension), death, and other such release-related information.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990; 64 FR 68265, Dec. 6, 1999]

### § 551.152 Procedures.

(a) A victim and/or witness of a serious crime who wants to be notified of a specific inmate’s release must make this request to the United States Attorney in the district where the prosecution occurred. Requests for notification received by the Bureau of Prisons directly from a victim and/or witness will be referred to the U.S. Attorney in the district of prosecution for approval.

(b) Institution staff shall promptly notify the victim and/or witness when his or her request for notification has been received. Staff shall advise each approved victim and/or witness of that person’s responsibility for notifying the Bureau of Prisons of any address and/or telephone number changes.

[49 FR 18386, Apr. 30, 1984, as amended at 55 FR 6178, Feb. 21, 1990]

### § 551.153 Cancelling the notification request.

(a) A victim and/or witness may request cancellation of the notification by contacting either the Bureau of Prisons or the U.S. Attorney from the prosecuting district. The Bureau of Prisons shall notify the victim and/or witness that his or her request for notification has been cancelled.

(b) Bureau of Prisons staff may cancel a notification request when the victim and/or witness has not responded within 60 calendar days to a Bureau of Prisons inquiry concerning whether the victim and/or witness wishes to continue receiving notification of the inmate’s release(s).

(c) A notification request by a victim and/or witness ordinarily terminates when the inmate has completed service of the sentence for the serious crime which resulted in the request for notification.

## Subpart N—Smoking/No Smoking Areas

SOURCE: 69 FR 13737, Mar. 24, 2004, unless otherwise noted.

### § 551.160 Purpose and scope.

To advance towards becoming a clean air environment and to protect the health and safety of staff and inmates, the Bureau of Prisons will restrict areas and circumstances where smoking is permitted within its institutions and offices.

### § 551.161 Definitions.

For purpose of this subpart, *smoking* is defined as carrying or inhaling a lighted cigar, cigarette, pipe, or other lighted tobacco products.

### § 551.162 Designated smoking areas.

(a) The Warden must designate a smoking area for use in instances where smoking is part of an authorized inmate religious activity.

(b)(1) The Warden may designate only outdoor smoking areas for general inmate use (that is, for smoking which is not part of an authorized religious activity). These smoking areas must be clearly identified.

(2) The Warden, with the Regional Director’s concurrence, may choose not to designate smoking areas for general use. Once this occurs, the Regional Director’s concurrence is required if the Warden later chooses to designate smoking areas for general use at the institution.